

# CONGESTION IN THE COURT

*by the Hon. Richard T. Fields, Presiding Judge of the Riverside Superior Court*

The congestion in the Riverside County Superior Court is well known throughout the state. In fact, Chief Justice Ronald George referred to the overburdened courts in Riverside County in his State of the Judiciary speech to the Legislature in February.

Several years ago, the California Administrative Office of the Courts, in collaboration with the National Center for State Courts, developed a methodology for determining judicial needs in California.

In 2004, utilizing that methodology, the Administrative Office determined that Riverside County should have 121 judicial officers. At that time, the court had only 69 judicial officers. Thus, we were operating with a shortage of 52 judges. An updated 2007 report indicates that the need for additional judges in Riverside County has increased and that we are now 64 judges short. Even with the additional 7 judges to be appointed this year, we will still face a shortage of 57 judges.

Notwithstanding this extraordinary shortage of judges, we have dramatically increased the number of criminal jury trials that we hear each year. In 2002, we conducted a total of 402 criminal jury trials. In 2005, that number increased to 675 criminal jury trials. In 2006, we conducted approximately 800 criminal jury trials. Court records show that this means that we are completing approximately twice the number of criminal jury trials per judge than the hardworking courts in the surrounding counties. This has been accomplished while we have the lowest number of judges per 100,000 population of the 15 most populous counties in the state. It is important that the citizens of Riverside County know the extraordinary efforts that their courts have made to deal with this criminal case backlog.



*Judge Fields addressing the members of the RCBA at a special meeting on court congestion in June.*

Despite these efforts, the backlog has continued to grow. Riverside County officials have provided significant additional resources to the Public Defender and the District Attorney. In fact, the Press-Enterprise reported on December 11, 2006, that from fiscal year 2001 to 2007, the number of deputy district attorneys increased from 144 to 255, a 77% increase. The number of deputy public defenders increased from 94 to 150, a 60% increase. During that same time period, the county's population increased by 26%, and yet the court received only one additional judgeship. By law, new judicial positions must be authorized and funded by the California Legislature. Last year, Senate Bill 56 passed, which will result in our court receiving 7 additional judicial positions sometime this year.

The court has been proactive in attacking the criminal case backlog. The court has taken many steps to maximize efficiency, including the following:

1. Judges who would normally conduct civil jury trials are being assigned criminal jury trials. Therefore, very few civil jury trials have taken place in recent months.

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2. Before a judge even finishes a criminal trial, the next trial is sent to the judge and pretrial proceedings are started so that jury selection can start as soon as the first jury starts deliberating. This back-to-back scheduling has greatly increased the rate at which criminal cases are being tried.
  3. We are using all our available courts, civil and criminal, on a countywide basis. If the speedy-trial rights of a defendant require that a case be sent out to trial, and there is no available courtroom in the regional courthouse (Indio, Riverside, or Murrieta), then the case will be transferred to whatever region can provide an open courtroom.
  4. Although many of our courts have used Fridays to hear motions, sentence defendants, hold felony preliminary hearings, prepare jury instructions, and otherwise do the work necessary to process criminal cases, we have designated some criminal courts to hear criminal trials five days a week. The other matters that would normally be heard in these designated courts have been shifted to other judges.
  5. We set up a special area in the Hall of Justice where the deputy district attorneys and criminal defense lawyers can discuss their cases and attempt to resolve them short of trial. Although we had no rooms available for

this purpose, we took open space and built out office space for negotiations.

6. With the input of our justice partners, we have worked out some changes to the criminal preliminary hearing calendar that we believe will be helpful in reducing delays. These changes include authorizing overtime for sheriff's deputies to come in earlier so that we can request and receive inmates from the jail earlier in the morning. This permits the judge hearing that calendar to take the bench earlier, because the judge does not have to wait so long for inmates to arrive. This also allows the lawyers to speak with their clients earlier and to begin negotiations earlier. This calendar very often exceeds 200 cases per day. It is hoped that these changes will lead to more resolutions of cases that would otherwise have to be tried.

We appreciate the Chief Justice's action in sending 12 judges to Riverside County for four months to help us reduce the criminal case backlog. Although this will still leave us far short of the number of judges that should be allocated to Riverside County, we earnestly hope that this action will lead to a reduction of the criminal case backlog. Tackling this backlog is critical if we are to meet our number-one goal of providing fair and expeditious access to justice to everyone.

